



Report To: Cabinet

26 July 2018

Lead Officer: Joint Director of Planning and Economic Development for Cambridge and South Cambridgeshire

Update to South Cambridgeshire District Council's 'Statement of Community Involvement' and the Neighbourhood Plan decision making process

Purpose

1. To seek agreement to a partial update of the South Cambridgeshire District Council (SCDC) 'Statement of Community Involvement' (SCI) concerning Neighbourhood Planning support to comply with new national regulations, pending the preparation of a new SCI later in 2018.
2. To update and review the decision making process for Neighbourhood Planning so that decisions can be made by the council as soon as possible on Neighbourhood Plans within the district to comply with the national regulations.
3. This not a key decision and it was first published in the June 2018 Forward Plan.

Recommendations

4. It is recommended that Cabinet:
 - (i) approves the revised Support Offer to parish councils preparing neighbourhood plans as set out in Appendix A;
 - (ii) approves the addendum to the SCDC SCI 2010 as set out in Appendix B to this report;
 - (iii) delegates to the Joint Director of Planning and Economic Development, in consultation with the Planning Portfolio Holder, the decision making process for designating a Neighbourhood Area and how the council responds to parish councils carrying out a pre-submission consultation on their Neighbourhood Plan; as set out in this report at paragraphs 26-33 and
 - (iv) delegates to the Joint Director of Planning and Economic Development, in consultation with the Planning Portfolio Holder the making of a Neighbourhood Plan before it is referred to Full Council as set out in paragraph 34.

Reasons for Recommendations

5. Each Local Planning Authority (LPA) has a duty to prepare and maintain a Statement of Community Involvement (SCI) setting out how they will involve and consult with the public and wider stakeholders in respect of both planning applications and planning policy matters.
6. In 2018 the Neighbourhood Planning Act (2017) brings into effect a requirement to review and update any SCI that is more than 5 years old, and with a particular

requirement to include specific information around the support that is available for Neighbourhood Plan preparation. The SCDC SCI was adopted in 2010 and the Cambridge City Council (CCC) SCI in 2013 and neither make substantive reference to neighbourhood planning support. The partial update of the SCI sets out the support available for Neighbourhood Plan preparation.

7. As part of the harmonisation of relevant planning procedures across the Greater Cambridge Shared Planning Service and in preparation for future work on a new Local Plan for Greater Cambridge, a joint SCI will be prepared for agreement by both councils later this year.
8. The new SCI to be prepared will also reflect other changes made to the national planning system over the intervening period and will ensure that our planning procedures are up-to-date and consistent with the objectives and values of each council.
9. There is a need to update the decision making process for designating neighbourhood areas particularly when a parish council (PC) applies to have its whole parish designated as such an area. Under such circumstances the council is required to designate such an area and the current process needs to be revised in order that the council can make such decisions more quickly and in a timely fashion.
10. When a PC carries out a pre-submission consultation there is a need to agree the process that the Council will take if comments are to be made to the PC during this stage.
11. Once the Council has received the Examiner's Report there needs to be agreement on how a decision is made as to whether the plan can proceed to Referendum.
12. Once a neighbourhood plan has been approved at referendum it must be made¹. As such a neighbourhood plan becomes part of the statutory development plan for the district and therefore agreement is needed as to how the council will decide to make this plan.

Considerations

13. Local planning authorities (LPA) are required to produce a Statement of Community Involvement (SCI) which sets out how they will involve and consult with the public and wider stakeholders in respect of both planning applications and planning policy matters. The duty to prepare an SCI is set out in the Planning and Compulsory Purchase Act 2004: <http://www.legislation.gov.uk/ukpga/2004/5/section/18>
14. South Cambridgeshire District Council adopted its SCI on 26 January 2010: <https://www.scambs.gov.uk/content/statement-community-involvement>. Cambridge City Council adopted its updated SCI in November 2013: <https://www.cambridge.gov.uk/statement-of-community-involvement>.

¹ neighbourhood plan term for adopted

15. A number of changes have been introduced to planning through the Neighbourhood Planning Act 2017. There are some that are relevant to the review and content of a Statement of Community Involvement.
16. Requirement for Five Year Review: The first of these changes came into force on 6 April 2018 and amends The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017. This regulation relates to the review of local development documents and sets out the following:

“Review of local development documents

10A.—(1) A local planning authority must review a local development document within the following time periods—

- (a) in respect of a local plan, the review must be completed every five years, starting from the date of adoption of the local plan, in accordance with section 23 of the Act (adoption of local development documents);*
- (b) in respect of a statement of community involvement, the review must be completed every five years, starting from the date of adoption of the statement of community involvement, in accordance with section 23 of the Act.”*

<https://www.legislation.gov.uk/ukxi/2017/1244/made?view=plain> (links to regulation 10A)

17. This new regulation has implications for both the SCIs for SCDC and for CCC. As SCDC’s SCI was adopted in 2010 there is now a requirement to review this as it is over five years old. CCC’s SCI is just within the time frame but should also be reviewed imminently to meet the new regulations. It has been the intention of the Greater Cambridge Shared Planning Service to prepare a joint SCI and therefore it is timely that regulations have highlighted the need for regular reviews of SCIs.
18. A report will be brought for agreement to both councils later in the year with a revised SCI to cover the Greater Cambridge area as part of taking forward work relating to the preparation of the Joint Local Plan. The new joint SCI will also include a comprehensive update of our agreed procedures for involving and consulting with the public and wider stakeholders in respect of planning applications which have become dated through the passage of time and subsequent changes to national legislation and guidance.
19. Requirement for SCI to mention neighbourhood planning: The Neighbourhood Planning Act 2017 requires a local planning authority from the 31 July 2018 to “set out their policy for discharging the duty to give advice or assistance to qualifying bodies to facilitate proposals for neighbourhood development plans (including proposals for the modification of neighbourhood development plans) or orders.”²

² **Neighbourhood Planning Act 2017 (Commencement No 3) – Regulations 2018**

<http://www.legislation.gov.uk/ukpga/2017/20/enacted> See section 6 (3) in this link. Regulation 4(a) brings into force section 6 of the Act. Section 6 amends section 18 of the 2004 Act.

20. A partial update of both the SCDC and CCC SCIs is necessary by 31 July 2018 in order to meet this new requirement as the proposed joint SCI will not be prepared before this July 2018 deadline.
21. SCDC adopted in December 2017 a Support Offer to parish councils (PCs) which sets out how this council will carry out its duty to assist PCs within the district. It is the PCs who are the qualifying bodies who take the lead on neighbourhood planning within the district. The adopted Support Offer is published on the SCDC website: https://www.scams.gov.uk/sites/default/files/neighbourhood_plans_-_support_offer_dec_2017_0.pdf. This version was adopted in December 2017.
22. There have been recent changes to the grants and technical support packages offered by Locality – the organisation tasked by the Ministry of Housing, Communities and Local Government (MHCLG) with co-ordinating grants and help to local communities preparing neighbourhood plans. Where a plan is allocating sites or includes a design code additional support is available now to the local community preparing the plan. This has resulted in the need to update the Support Offer for SCDC.
23. A revised Support Offer is therefore included in Appendix A of this report. This contains the updates relating to the changes to funding and technical support packages available from Locality. One of these packages is for carrying out a health check on a neighbourhood plan before it is formally submitted to the LPA. This check will consider whether a neighbourhood plan will be successful through examination. Our adopted Support Offer will provide to PCs up to £1000 towards the cost of such a health check. Officers are therefore proposing that the wording in our support offer be revised as some plans may now be eligible for the check to be carried out through Locality and will not need to apply to SCDC for our assistance. Officers will make Parish Councils aware of the changes to the Support Offer through the monthly newsletter to Parish Councils, and will also notify all neighbourhood planning groups currently working on Neighbourhood Plans in the district.
24. In order to meet the new requirement for the SCI regarding neighbourhood plans it is proposed that a short addendum (see Appendix B of this report) is added to the SCDC SCI which will direct readers to the South Cambridgeshire website to view the adopted Support Offer. This partial review of the SCI is considered to be the most effective means of meeting the requirements of the Neighbourhood Planning Act 2017.
25. A report concerning the joint SCI for the Greater Cambridge area will be brought for agreement of both councils later in 2018.

Background to Neighbourhood Planning decision making

26. National regulations require that a LPA should fulfil its duties and take decisions as soon as possible and within the statutory time periods where these apply. The on-line national planning practice guide states that decisions on neighbourhood planning in a LPA should be taken by the Council's Executive³ (for SCDC this would be the Cabinet). To ensure that SCDC complies with these regulations officers consider that it is

³ <https://www.gov.uk/guidance/neighbourhood-planning--2>

appropriate to review how the council makes decisions at key stages in the plan making process.

27. There are four stages in the plan making process where the council needs to update or decide on its decision making process:
 - (i) Neighbourhood area designation
 - (ii) Pre-submission consultation
 - (iii) Decision on Examiners Report and whether to proceed to Referendum
 - (iv) Making the neighbourhood plan
28. The only other stage where there is member involvement is at the proposed submission consultation stage ahead of an examination. The current approach is considered to be appropriate still where the Planning Portfolio Holder will agree any comments made during this consultation if the Council has concerns on the content of a draft plan.
29. Neighbourhood Area designations: A neighbourhood area must be designated before a PC can prepare a neighbourhood plan. There are national regulations guiding how this designation should be carried out which were revised in February 2015 and again in October 2016 (see background papers for links to these regulations).
30. SCDC agreed the process for designating neighbourhood areas at its Cabinet meeting on 19 January 2017. Officers consider that it is appropriate to review this process as experience of the existing method now in the designation of 17 Neighbourhood Areas can introduce delays to the designation of some neighbourhood areas. This is particularly the case when a PC applies to have its whole area designated as SCDC as the LPA is required to designate such areas without the need for consultation. The national regulations encourage a LPA to make timely decisions. The process to date of the Planning Portfolio Holder making the designation decision has introduced delay. Even with the new Member decision making process to have monthly Cabinet meetings would introduce delay. It is only once an area is designated that a PC can apply for funding to assist them in their plan making. It is considered that, as SCDC has no choice but to designate a parish area, in future to speed up the designation the decision should be delegated to an officer. The Planning Portfolio Holder will be kept informed of new designations.
31. When a proposed neighbourhood area is anything other than a whole parish area the LPA must carry out a consultation before the area can be designated. With experience officers have found that few comments are made during such consultations and rarely are objections made. It is proposed that in future the decision on the designation should only be made by a formal Member process if a substantive objection is made during the consultation. This decision would be made in the most efficient way available, normally by the Planning Portfolio Holder outside of a meeting, in view of the prescribed timescales which the national regulations set out for a LPA to make a decision within.
32. Pre-submission consultation: A PC must publicise its draft neighbourhood plan for at least six weeks and consult with any consultation bodies set out in the regulations. The LPA for the area is included in this list and therefore SCDC would have an opportunity

to comment on any plans prepared in South Cambridgeshire. It is proposed that the response to such consultations be delegated to officers but that the Planning Portfolio Holder be kept informed of any responses made. This will enable a timely response and will not remove the ability for SCDC to make formal comments at the proposed submission consultation when representations are then considered by the independent examiner. (See paragraph 28 of this report)

33. Decision on Examiner's Report and whether to proceed to Referendum: The Council must consider the Examiner's Report and decide whether:
- to accept the recommendations proposed by the examiner,
 - the draft Neighbourhood Plan meets the basic conditions, and
 - to send the Neighbourhood Plan to referendum.

The Council has five weeks from the date of receipt of the Examiner's Report to make a decision. It is proposed that this decision is delegated to officers where the examiner has concluded that the Neighbourhood Plan is legally compliant, meets the Basic Conditions (with or without modifications), and should proceed to referendum. If the examiner raises any significant concerns relating to the Neighbourhood Plan and is therefore not recommending that the Neighbourhood Plan should proceed to referendum, it is proposed that the decision on the way forward be considered by the Planning Portfolio Holder (as set out in the Cabinet Report, 19 January 2017) through a decision outside of a meeting in view of the prescribed timescales.

34. Making the neighbourhood plan: If the majority of those who vote in a referendum are in favour of the draft neighbourhood plan then the neighbourhood plan must be made by the LPA within 8 weeks of the referendum. As the neighbourhood plan will become part of the statutory development plan for the district and requires both Cabinet and Council approval it is proposed that the Cabinet decision be delegated to the Joint Director of Planning and Economic Development, in consultation with the Planning Portfolio Holder to make the neighbourhood plan before being referred to Full Council as is the case with the adoption of a Local Plan.
35. The revised process for decision making is set out in a schedule in Appendix C.

Options

36. With reference to the proposed support offer addendum to the SCI, Cabinet could:
- (i) Approve it;
 - (ii) Reject it; or
 - (iii) Amend parts of it.
37. Cabinet could also decide to not revise the Support Offer to PCs preparing neighbourhood plans.
38. Cabinet could also decide not to prepare an updated joint SCI during 2018.
39. Cabinet could decide to not make the proposed changes to the decision making process for neighbourhood planning as set out in this report.

Implications

40. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered:

Financial

41. There are no direct financial implications arising from this report.

Legal

42. There is a requirement to review an SCI every five years and to include within the content of the SCI how a local planning authority discharges its duty to support local communities preparing neighbourhood plans. Both SCDC and CCC would not be meeting these regulations if they chose to not plan to review their SCIs or incorporate how they will discharge their neighbourhood planning duties.
43. The changes to the decision making processes for neighbourhood planning are intended for SCDC to be able to make decisions in a more timely fashion to not delay the plan making process. The national regulations require that a LPA should fulfil its duties and take decisions as soon as possible and within the statutory time periods where these apply. Advice has been sought from the legal team to ensure the council follows the correct procedures at the key stages in the plan making process particularly as regards the making of neighbourhood plans.

Staffing

44. There are no direct staffing implications arising from this report.

Risk Management

45. There are no direct risk management implications arising from this report.

Equality and Diversity

46. There are no direct equality and diversity implications arising from this report.

Climate Change

47. There are no direct climate change implications arising from this report.

Consultation responses (including from the Youth Council)

48. This report has been prepared jointly by officers from the Greater Cambridge shared planning service.

Effect on Strategic Objectives

Objective1 – Living Well

49. Planning is concerned with the quality of the built and natural environment and with allowing people to influence planning decision making and future plans.

Objective 2 – Homes for our Future

50. Providing enough homes, of the highest quality and in the right locations cannot be achieved without public support for our plans and planning decision making procedures.

Objective 3 – Connected Communities

51. There are no direct implications for this strategic objective.

Objective 4 – An innovative and dynamic organisation

52. An up-to-date SCI will contribute to the achievement of this objective and help the delivery of the best possible services to residents and businesses.

Appendices

- Appendix A: Revised Support Offer for South Cambridgeshire
- Appendix B: Addendum to the SCI regarding our support offer to local communities preparing neighbourhood plans in South Cambridgeshire
- Appendix C: Revised decision making processes for neighbourhood planning

Background Papers

The following background papers were used in the preparation of this report:

Neighbourhood Planning Act 2017 -

<http://www.legislation.gov.uk/ukpga/2017/20/contents/enacted>

The Neighbourhood Planning (General) Regulations 2012

http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf

The Neighbourhood Planning (General) (Amendments) Regulations 2015

http://www.legislation.gov.uk/uksi/2015/20/pdfs/uksi_20150020_en.pdf

The Neighbourhood Planning (General) Regulations (Amendments) 2016

http://www.legislation.gov.uk/uksi/2016/873/pdfs/uksi_20160873_en.pdf

SCDC Cabinet Meeting 19 January 2017 - item 8 on agenda

<http://scamb.moderngov.co.uk/ieListDocuments.aspx?CId=293&MId=6797&Ver=4>

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